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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re: TRANSCARE CORPORATION, <i>et al.</i> , Debtors.	Chapter 7 Case No. 16-10407-DSJ (Jointly Administered)
SALVATORE LAMONICA, as Chapter 7 Trustee of the Jointly-Administered Estates of TransCare Corporation, <i>et al.</i> , Plaintiffs, v. LYNN TILTON, <i>et al.</i> , Defendants.	Adv. Pro. No. 18-AP-01021-DSJ

**APPELLANT’S STATEMENT OF ISSUES AND DESIGNATION
OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

Appellant, Patriarch Partners Agency Services, LLC (“PPAS”), by and through its undersigned counsel, hereby provides, pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure, the following statement of issues, designation of items to be included in the record on

appeal, and certification regarding transcripts with respect to the Notice of Appeal filed by PPAS on February 21, 2025 [ECF No. 192]. As set forth in the Notice of Appeal, PPAS seeks review of the February 7, 2025 *Order and Judgment* [ECF No. 191] (the “**Judgment**”) along with the accompanying *Decision Partly Granting Trustee’s Motion to Approve Attorneys’ Fees* [ECF No. 190] (the “**Decision**”).

STATEMENT OF ISSUES

1. Whether the Bankruptcy Court violated 11 U.S.C. § 550(d)’s single-satisfaction rule when it authorized a Chapter 7 trustee to recover attorneys’ fees on a fraudulent transfer award against one defendant (PPAS) when the trustee had already recovered a complete satisfaction for the same avoided transfer from another defendant (Lynn Tilton).

2. Whether the Bankruptcy Court erred as a matter of law by exempting prejudgment interest from 11 U.S.C. § 550(d)’s single-satisfaction rule.

3. Whether the Bankruptcy Court erred as a matter of law by failing to consider independent state law grounds for applying an offset to the trustee’s attorneys’ fees request.

4. Whether the Bankruptcy Court erred as a matter of law by indicating that the former version of New York’s Debtor and Creditor Law applies to the trustee’s attorneys’ fee claim, when the claim matured after the enactment of the current version of the law.

5. Whether the Bankruptcy Court erred as a matter of law in misapplying federal precedent to allow the trustee to recover attorneys’ fees under New York law for non-compensable work that would have occurred regardless of the trustee’s claim that gave rise to his attorneys’ fees request.

DESIGNATION OF RECORD ON APPEAL:¹

PPAS respectfully designates the following items for inclusion in the record on appeal pursuant to Rule 8009(a) of the Federal Rules of Bankruptcy Procedure. This designation includes all exhibits attached or referred to in the pleadings or matters of record.

Adversary Proceeding Docket Entries (Adv. Proc. No. 18-01021 (DSJ))

ECF No.	Date Filed	Description
138	07/06/2020	Post-Trial Findings of Fact and Conclusions of Law
139	07/14/2020	Trustee's Letter Regarding Briefing Schedule and Proposed Judgment
141	07/15/2020	Judgment against PPAS
169	02/07/2024	Trustee's Motion to Approve Attorneys' Fees Award Against Defendant Patriarch Partners Agency Services, LLC Under Debtor & Creditor Law § 276-a
170	02/07/2024	Notice of Hearing on Motion to Approve Attorneys' Fees
176	04/03/2024	Trustee's Notice of Adjournment of Hearing
177	05/14/2024	Trustee's Notice of Adjournment of Hearing
178	07/15/2024	Objection of PPAS to Trustee's Motion to Approve Attorneys' Fees
179	07/15/2024	Declaration of Christopher Conrad in Support of PPAS's Objection
180	07/17/2024	Trustee's Notice of Adjournment of Hearing
181	07/19/2024	PPAS's Letter Requesting Leave to File Sur-Reply
182	07/29/2024	Memorandum Endorsed Order Granting Leave to File Sur-Reply
183	10/09/2024	Trustee's Notice of Adjournment of Hearing
184	10/21/2024	Trustee's Reply in Support of Motion for Attorneys' Fees Award Against Defendant Patriarch Partners Agency Services, LLC Pursuant to Debtor and Creditor Law
185	10/25/2024	Authorized Sur-Reply of Patriarch Partners Agency Services, LLC in Response to the Trustee's Reply in Support of his Motion for an Award of Attorneys' Fees

¹ For the avoidance of doubt, the items designated herein for the record on appeal shall include all exhibits, submissions, appendixes, and/or other related documents filed with each item.

ECF No.	Date Filed	Description
187	11/20/2024	PPAS's Letter Regarding Supplemental Authorities
188	11/20/2024	Trustee's Letter Reply to PPAS's Supplemental Authorities
189	11/22/2024	Transcript of Hearing Held on November 7, 2024
190	02/05/2025	Decision Partly Granting Trustee's Motion to Approve Attorneys' Fees
191	02/07/2025	Order and Judgment

PPAS v. LaMonica District Court Docket Entries (Case No. 20-cv-06274 (LAK))

ECF No.	Date Filed	Description
16	09/29/2021	Memorandum Opinion Affirming Bankruptcy Court Judgment
18	12/14/2021	Memorandum Opinion Granting Motion for Amended Judgment
21	01/26/2024	Mandate of USCA Affirming District Court and Bankruptcy Court Judgments

LaMonica v. Tilton District Court Docket Entries (Case No. 20-cv-06523 (LAK))

ECF No.	Date Filed	Description
09	09/29/2021	Memorandum Opinion Affirming Bankruptcy Court Judgment
10	10/04/2021	Proposed Judgment Against Lynn Tilton
11	10/06/2021	Judgment Against Lynn Tilton
14	10/18/2021	Memorandum of Law in Support of Plaintiff's Motion for Amended Judgment Against Defendant Lynn Tilton
18	11/01/2021	Tilton's Memorandum of Law in Opposition to Plaintiff's Motion for Amended Judgment Against Defendant Lynn Tilton
19	11/01/2021	Declaration of Michael T. Mervis in Connection with Defendant Lynn Tilton's Opposition to Plaintiff's Motion for Amended Judgment Against Defendant Lynn Tilton
20	11/05/2021	Reply Memorandum of Laws in Further Support of Plaintiff's Motion for Amended Judgment Against Defendant Lynn Tilton

ECF No.	Date Filed	Description
21	12/14/2021	Memorandum Opinion Granting Motion for Amended Judgment
23	12/22/2021	Amended Judgment Against Lynn Tilton
27	11/08/2023	Mandate of USCA Affirming District Court and Bankruptcy Court Judgments
44	12/07/2023	Satisfaction of Judgment

LaMonica v. Tilton 2nd Circuit Docket Entries (Case No. 21-2547)

ECF No.	Date Filed	Description
45	03/09/2022	Brief for Defendant-Appellant
90	07/15/2022	Brief for Trustee-Appellee
96	08/02/2022	Reply Brief for Defendant-Appellant
123	02/21/2023	Defendant-Appellant's Post-Argument Letter Brief
126	02/27/2023	Trustee-Appellee's Post-Argument Letter Brief
130	08/28/2023	Opinion Affirming District Court and Bankruptcy Court Judgments
131	08/28/2023	Opinion Dissenting in Part
137	08/28/2023	Judgment Affirming District Court and Bankruptcy Court Judgments
148	11/08/2023	Judgment and Mandate

PPAS v. LaMonica 2nd Circuit Docket Entries (Case No. 21-2576)

ECF No.	Date Filed	Description
43	03/29/2022	Brief for Defendant-Appellant
90	07/15/2022	Brief for Trustee-Appellee
96	08/02/2022	Reply Brief for Defendant-Appellant
121	02/21/2023	Defendant-Appellant's Post-Argument Letter Brief
122	02/27/2023	Defendant-Appellee's Post-Argument Letter Brief
126	08/28/2023	Opinion Affirming District Court and Bankruptcy Court Judgments
127	08/28/2023	Opinion Dissenting in Part

ECF No.	Date Filed	Description
133	08/28/2023	Judgment Affirming District Court and Bankruptcy Court Judgments
144	11/08/2023	Judgment and Mandate

CERTIFICATION REGARDING TRANSCRIPTS

PPAS, pursuant to Rule 8009(b)(1) of the Federal Rules of Bankruptcy Procedure, hereby certifies that it is not ordering any transcripts. All transcripts have been prepared, are on the docket, and are designated in the foregoing designation of the record.

RESERVATION OF RIGHTS

PPAS expressly reserves the right to (i) withdraw, supplement, amend or modify this Statement of Issues and Designation of Record on Appeal and (ii) move to strike any items included by the Appellees in a designation of additional items. This filing is made expressly subject to, and without waiver of any and all rights, remedies, challenges, and objections.

Dated: New York, New York
March 7, 2025

Respectfully submitted,

/s/ Ronit Berkovich
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